

of work and the location thereof; and the owners of said property have a right to appear before said board, either in person or by attorney, at any regular or special meeting called for that purpose within a period of five years in excess of thirty-three and one-third per cent (33 1/3%) of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the amount that, in the opinion of the board, would be required to construct an ordinary street sewer, or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement; nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith. (C. 10 Acts 1915.)

Limitation of Assessments.
(119) Sec. 123. The board of directors shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years in excess of thirty-three and one-third per cent (33 1/3%) of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the amount that, in the opinion of the board, would be required to construct an ordinary street sewer, or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement; nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith. (C. 10 Acts 1915.)

Sewer, Water, Gas and Other Connections.
(120) Sec. 127. The director of streets and public service shall have authority to compel the making of sewer, water, gas and other connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer, water, gas and other connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the director of streets and public service, in the manner provided for the service of summons in civil actions. Non-residents of the city, or persons who cannot be found, may be served by one publication of such notice in all the daily newspapers of general circulation in the city. The notice shall state the time within which such connections shall be constructed; and if they be not constructed within the said time, the work may be done by the city, and the cost thereof, together with a penalty of five per cent (5%) assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements. (C. 10 Acts 1915.)

Franchise and Public Utilities; Grant.
(121) Sec. 128. The board of directors may, by ordinance, grant permission to any individual, company or corporation to construct and operate a public utility in, over and under the streets, alleys and public grounds of the city under the provisions of law applicable thereto. No franchise shall be considered an emergency measure. And the board of directors may, by ordinance, renew any franchise to construct and operate a public utility in, over and under the streets, alleys and public grounds of the city; and the board of directors may, by ordinance, grant to any individual, company or corporation operating a public utility the right to extend the appliances and services of such utility, but the right to use and maintain any such extension shall expire with the original grant of the utility or any renewal thereof. (C. 21 Acts 1919.)

(122) Sec. 123. The board of directors shall at all times control the distribution of space in, over, under or across all streets or public grounds, occupied by public utility fixtures. All rights hereafter granted for the construction and operation of public utilities shall be subject to the continuing right of the board to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in such streets or public grounds as shall in the opinion of the board be necessary in the public interest. (C. 21 Acts 1919.)

Transfer of Funds.
(123) Sec. 137. The board of directors may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department. (C. 10 Acts 1915.)

Limitations of Appropriations.
(124) Sec. 138. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied, may from time to time be appropriated by the board, to such uses as will not conflict with any uses for which specially such revenues accrued. (C. 21 Acts 1919.)

Continuance of Present Officers and Ordinances.
(125) Sec. 139. All persons holding appointive positions or employment with said city at the time this act goes into effect, shall continue in office, and in the performance of their duties, until provisions shall have been otherwise made in accordance with the provisions of this act for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire.

All the valid ordinances enacted by and now in force in the city of Fairmont as heretofore constituted, shall remain in full force and effect within the territory, except when the same are in conflict or inconsistent with this act, until the members of the board of directors as provided for in this act shall have been elected at the first election thereunder and a majority thereof shall have qualified, and upon the election and qualification of a majority of said directors said ordinances shall ipso facto extend to and over the whole of the city of Fairmont, as embraced in section two of its charter, and shall, on and from said time, be and remain in full force and effect in the city of Fairmont as constituted by this act or until repealed or amended by said board of directors. (C. 21 Acts 1919.)

Continuance of Contracts.
(126) Sec. 141. All contracts entered into by the city, or for its benefits, prior to the taking effect of this act, shall continue in full force and effect. All public work begun prior to the taking effect of this act shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this act takes effect may be carried to completion in accordance with the provisions of such laws. The municipal corporation heretofore created shall take all the rights and be subject to all the liabilities of the municipal corporation which it succeeds, or of which it is but a continuation. (C. 21 Acts 1919.)

Assessment for Removal of Snow, Weeds, Etc.
(127) Sec. 143. The board of directors shall have power to provide by ordinance for assessing against the abutting property the cost of removing from the sidewalks all accumulations of snow and ice, and for assessing against the property the cost of cutting and removing noxious weeds and rubbish. (C. 10 Acts 1915.)

Code of Laws.
(128) Sec. 144. The board of directors may adopt by-laws and ordinances, which, when adopted shall be printed in a book form, or it may be adopted as a whole after it is printed, and said code shall be the law and ordinances of said city, and shall be received as such in all the courts of this state, and the laws, ordinances, franchises and rules when printed therein, shall be prima facie proof of their correctness. (C. 10 Acts 1915.)

Service of Notice.
(129) Sec. 146. Whenever any notice is required to be given, or any summons, warrant or other process is required to be served or otherwise executed, under the provisions of this act, it shall be sufficient if such notice, summons, warrant or other process be executed by an officer of the police department of said city in the same way or manner in which the laws of the state prescribe for executing summonses and subpoenas by state officers, unless otherwise provided by this act. (C. 10 Acts 1915.)

Board of Directors Successors to Board of Affairs.
(130) Sec. 147. The board of directors provided for in this act, and their successors in office, shall be held and deemed, in law and in fact, the successors of the board of affairs and common council of the city of Fairmont. (C. 10 Acts 1915.)

Licenses.
(131) Sec. 149. Concerning anything for which a state license is required to be done within the said county, the board of directors may require a city license therefor, and may impose a tax thereon for the use of the city; and the board of directors shall have the power to grant, refuse or revoke any such license or the licenses of owners or keepers of hotels, carts or wagons, drays, and every other description of wheeled carriages kept or used for hire in said city, and to levy and collect tax thereon, and to subject the same to such regulations as the interest and convenience of the inhabitants of said city, in the opinion of the board of directors may require. (C. 21 Acts 1919.)

Taxi Cabs.
(132) Sec. 149-a. The board of directors shall have power to control and regulate by ordinance, all taxi cabs, automobiles and vehicles of like motive power engaged in the transportation of passengers for hire over the streets, alleys and public grounds of said city, and may require bond from the owners thereof for their faithful compliance with said ordinances and the rules and regulations made by the board in pursuance thereof. (C. 21 Acts 1919.)

Nuisances.
(133) Sec. 150. The board of directors of said city shall have authority to abate and remove all nuisances in said city. It may compel the owners, agents, assignees, occupants or tenants of any lot, premises, property, building or structure, upon or in which any nuisance may be, to abate and remove the same by orders therefor, and by ordinance provided for the violation of such orders.

Said board of directors may also by its own officers, appointees and employees, abate and remove nuisances. It may by ordinance, regulate the location, construction, repair, use, emptying and cleaning of all water closets, privies, cesspools, sinks, plumbing, drains, yards, pens, stables, and other places, where offensive or dangerous substances or liquids are, or may accumulate and provide suitable penalties for the violation of such regulations, which may be enforced against the owner, agents, assignee, occupant or tenant, of any premises or structure where such violation may occur.

If the owner, agent, tenant, assignee, or occupant of any such premises, lot, property, building or structure, as is mentioned herein shall fail or refuse to abate or remove any such nuisance, as mentioned herein, or to comply with the provisions of any such ordinance, and the regulations herein contained, the said board of directors may have said nuisance abated or the provisions of said ordinance carried out, after reasonable notice to said owner, occupant, tenant, agent or assignee of its intentions so to do, and collect the expense thereof with one per centum per month interest added from the date of said notice, from the owner, occupant, tenant, agent or assignee by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are herein authorized to be collected, and the expense shall remain a lien upon said lot, or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced. In case of non-resident owners of real estate such notices may be served upon any tenant, occupant, assignee or rental agent, or by publication thereof for not less than two consecutive weeks in all the daily newspapers published in said city.

And in all cases where any tenant, occupant or agent is required to abate and remove any nuisance under the provisions of this section, or comply with the provisions of any such ordinance as is mentioned herein, the expense thereof may be deducted out of the accruing or accrued rent of said property, or amount due said owner from said agent, and such tenant, occupant or agent may recover the amount so paid from the owner, unless otherwise especially agreed upon.

Any expense incurred by the board of directors, as herein provided, in the manner aforesaid, may be collected in the manner herein provided, notwithstanding the imposition of any other penalty or penalties upon any of the persons named herein, under any of the provisions of this act. The abatement or removal of any such nuisance by the board of directors at the expense of said city, as herein provided, shall be prima facie proof that the said notice to the owner, occupant, tenant, agent or assignee, was given as herein prescribed. (C. 10 Acts 1915.)

(134) Sec. 151. The board of directors may require all owners, tenants and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage, which the said city may construct, own or control, to connect with such sewer, or system of sewerage, or privies, water closets, cesspools, drains, or sinks located upon their respective properties or premises so that their contents may be made to empty into such sewer or system of sewerage. (C. 10 Acts 1915.)

Sidewalks and Shade Trees.
(135) Sec. 152. The board of directors is authorized and empowered to cause to be put down a suitable curb of brick, stone or other material along and for the footways and sidewalks of the avenues, streets, roads and alleys of said city, and to order and cause the laying or relaying or repair of sidewalks and gutters of such material and widths as the board may determine, and the planting or replanting of and caring for shade trees along said avenues, streets and roads at such points and in such manner as the board may determine, and to require the owners of the land or lots or parts of lots facing upon said avenues, streets, roads or alleys to keep such sidewalks clean and in good repair, and to grade the plat of ground on either side of the sidewalks between the street curb and the property line and keep the same sodded with grass and free of weeds and obstructions, and otherwise in good condition and repair. The owners or occupants of lands or lots abutting upon any such avenues, streets, roads or alleys who shall desire to lay any such sidewalk, curb or gutter, or plant any such shade trees, shall make application to the board of directors for such permission, and the board of directors shall thereupon cause the grade and curb line of the avenue, street, road or alley upon which such land or lot abuts to be established and located by the city engineer, and such owners or occupants of such lands or lots shall thereupon have the right to lay any such sidewalk, curb or gutter or plant any such shade trees, but only upon and in conformity to the grade and curb line so established and located by the city engineer, and in the manner prescribed by the board of directors; and the board of directors shall have the right to prescribe the kind of shade trees to be planted and the manner of planting the same. The said city may lay such sidewalk, gutter or curb, and plant or replant and care for said shade trees, or may let said work to contract, and in either case the total cost of said work, or such part thereof as the board may direct, shall be charged upon and against the land or lots abutting upon such avenue, street, road or alley, which assessments shall be and remain a lien upon said land or lots the same as taxes levied upon real estate in said city, which lien may be enforced by a suit in equity before any court having jurisdiction as other liens against real estate are enforced. The amount so assessed against any land or lot shall also be a debt against the owner of such land or lot, which may be collected as other debts are collected, in any court having jurisdiction, and shall be due and payable in ninety days from the completion and acceptance of such work as certified to by the board of directors, with six per cent interest thereon from the date of such record acceptance.

And in ascertaining the amount to be assessed against any corner lot for the cost of laying any such sidewalk and planting trees in front or alongside thereof, the board may assess the total cost of laying such sidewalk, and planting trees, in front or alongside said lot and extended to the curb or gutter of the intersections of the avenues, streets, roads or alleys at that point.

When such work is done by the city, and not let to contract, the board shall certify such assessments to the treasurer of the city for collection, who shall account for the same as directed by the board or by ordinances, and the treasurer shall accept payment, when tendered, of the amount of said assessment with interest to the date of payment, and unless said assessment shall have been paid within ninety days from the date of such assessments, then a copy of such report shall be certified by the city clerk to the clerk of the county court of Marion county, who is hereby required to record and index the same in the proper trust deed book in the name of the person against whose property assessments appear therein. If any such assessment shall not be paid when due, the board of directors shall cause to be enforced the payment of said assessment and interest in all respects herein provided for the collection of taxes due the city; and said assessments shall be a lien upon the property liable therefor, the same as for taxes, which lien may be enforced in the same manner as provided for the sale of property for the non-payment of taxes and tax liens; and the liens herein provided for shall have priority over all other liens except those for taxes and assessments due the state and county, and shall be on a parity with taxes and assessments due the city. When such assessment shall have been paid in full, and a lien therefor shall be of record in the county clerk's office, the treasurer shall execute and deliver to the owner of the property a release of said lien, which may be recorded in the office of the county clerk as other releases of liens are recorded.

The board may, if it so elect, let said work to contract, and certificates may be issued for the amount of said assessments which may be sold to the contractor doing the work, or other persons, in full of the total cost, in the same manner as provided for paying certificates in section one hundred and eleven herein; provided, the city, in negotiating and selling such certificates, shall not be held as guarantor or in any way liable for payment therefor, except upon the direct action of the board of directors as expressed by resolution or record before such sale. Said certificates, to be signed by the mayor and clerk or other person or persons designated of record by the board, shall bear date as of the time when such work is accepted and certified by the board of directors, and shall be due and payable in ninety days from date thereof, with six per cent interest. When the board shall have received said work, it shall at the same time make said assessments upon written report; and at the end of ninety days from date thereof, upon the demand in writing filed with the city clerk, of the holder or holders of the unpaid certificates issued to cover said assessments, said clerk shall certify a copy of said report only so far as it relates to the owners against whom said exhibit certificates remain unpaid, to the clerk of the county court of Marion county, who shall record and index the same as other liens of like kind are recorded and indexed, and the same shall be and remain a lien upon the real estate against which said assessments are made, as set out in said certified report, and said lien may be enforced, in the name of the holder of such certificate in the same manner as set out in section one hundred and eleven of this act.

Before letting such work to contract the board shall advertise the same once a week for two successive weeks in all the daily newspapers published in the city of Fairmont, setting out the time and place for receiving proposals for such work and referring to the plans and specifications made therefor; and the city reserves the right, whether stated in such notice or not, to refuse any and all bids for the work. The fact that such contract shall be awarded for said work shall be prima facie proof that said notice was given as required herein. Such lien, as represented by certificate, may be released of record, as provided for in section one hundred and eleven herein; and in no event shall such assessment be and remain a lien of record for a longer period than one year from the date set out in said certified report so recorded in the office of the county clerk, unless at the end of said one year period a suit shall be pending for the enforcement of said lien, or the amount thereof, shall, in some way, be involved in a suit pending at the end of said one year period.

All such work, whether done by the city direct, or through contractors, shall be done under the supervision of the street department of the city or some person designated for the purpose by the board of directors.

If the owner or occupier of any such lot or land shall be required by the board to lay or relay, clean or repair any such sidewalk, curb or gutter, or shall be required to grade the space on either side of the sidewalk between the street curb and the property line, and keep the same sodded and free from weeds or obstruction or otherwise in good condition and repair, written or published notice shall be given to such owner or occupier in the manner provided by ordinance or resolution adopted by the board, and the neglect or refusal of such owner or occupier to do the work, in the manner and within the time required by the board, as set out or referred to in said notice shall be an offense and may be punished as provided by ordinance; and after the expiration of the time set out in said notice for the doing of said work, and the same remains undone, the board may do or cause to be done, said work and assess and collect the cost thereof in the manner, upon either plan, and to the full extent set out in this section. (C. 21 Acts 1919.)

Taxes; Levies; Assessments, Etc.
(136) Sec. 153. The board of directors shall annually, before the levying of taxes provided for and authorized by this act, ascertain the total expense of said city to be provided for by levy for the fiscal year in which said levy is made, and it shall ascertain the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, and to provide the necessary sinking funds, and what amounts it shall expend for the support of its various departments, and for the improvements of its streets, alleys, avenues and public grounds, or for its contingent expenses; and before making such levy it shall apportion the rate thereof among the several funds so ascertained and provided for, which apportionment shall be spread upon the records of said board and a copy of a statement thereof shall be annually published by direction of said board as soon as the same is recorded, in all the daily newspapers of said city. (C. 10 Acts 1915.)

(137) Sec. 154. The board of directors shall have authority to levy and collect an annual tax on real estate and personal property in said city, and to impose a license and assess a tax thereon on wheeled vehicles for public hire and upon all dogs kept within said city, and to impose a tax upon all other subjects of taxation under the several laws of the state, and such taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed, and on capital, on which the state imposes a tax; provided, that no greater levy shall be laid by said board of directors on the taxable property of said city than is now permitted to be laid under the state law relating to municipalities, except, however, that the said board of directors may, by the unanimous vote of its members, by ordinance, lay an additional levy not to exceed twenty cents on the one hundred dollars of all the taxable property within said city. (C. 10 Acts 1915.)

(138) Sec. 155. All taxes assessed upon the real estate within the said city, shall remain a lien thereon from the time the same are so assessed, which shall have priority over all other liens, except for taxes due the state, county or district, and all taxes whether assessed upon realty or personally or otherwise may be enforced and collected in the same manner and by the same remedies as is now or may hereafter be provided by law for the enforcement of liens and levies for state and county taxes, or in such manner as the board of directors may by ordinance prescribe. And in levying of taxes and collection thereof, and the return of property delinquent for non-payment of taxes, the duties of the city clerk shall be similar to the duties of the county clerk of Marion county in that behalf; the duties of the treasurer in the collection of

taxes, licenses and moneys due the city and accounting for the same and return of property delinquent for the nonpayment of taxes, shall be similar to the duties of the sheriff of Marion county; except the board of directors may make such regulations and ordinances prescribing the duties of the city clerk and city treasurer and their manner of performance as the board may deem necessary. And the board shall, through itself and such officers and employees as it may appoint or employ under such regulations and ordinances as it may enact (not contrary to the laws of this state), having such authority and power as may be necessary for the levying and collecting of taxes, tithables, fines, licenses, sewer and paving assessments owing the city, with power and authority to enforce the collection of such fines by imprisonment in the city or county jail. (C. 10 Acts 1915.)

(139) Sec. 156. No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city, for the construction, improvement or keeping in repair of roads outside of said corporate limits, except as provided for in section five, article one of this act. And neither the county court of Marion county, nor the authorities of the district or districts in which said city is situated, shall have or exercise jurisdiction within the corporate limits with relation to the roads, streets, alleys, bridges and wharves, except by article of agreement provided for in section five, article one of this act, but the same shall be and remain under the exclusive jurisdiction and control of the municipal authorities of said city, and said city shall be liable only for the construction, improvement, repair and good order of the roads, streets, alleys, wharves and bridges in its corporate limits. (C. 10 Acts 1915.)

(140) Sec. 157. There shall be a tax of two dollars annually assessed on each and every male inhabitant of said city, over twenty-one years of age, by the board of directors and the same shall be set out and included in the personal property book against every such inhabitant, and shall be collected by the city treasurer or other officer of the city acting in lieu thereof and under the authority of the board of directors, at the time of collecting other levies and taxes. All money collected under this section shall go into the street fund to be expended upon the streets, alleys, sidewalks, drains, gutters and bridges of said city. (C. 10 Acts 1915.)

Accepting City Funds.
(141) Sec. 158. It shall be the duty of the city treasurer to keep all funds of the city in some bank or banks within said city, which shall pay two per cent. or more per annum interest on such deposits, payable quarterly, based on the average daily balance of such funds in all accounts. If no bank within said city is willing at any time to receive deposits of the treasurer, and to pay such interest thereon, the treasurer shall report this fact to the board of directors, who shall thereupon designate a bank or banks in which he shall deposit said funds for the time being, and until some bank in said city will receive such deposits on such terms. Before receiving any such deposits said bank or banks shall give bond in the penalty prescribed by the board of directors, and with sureties to be approved by said board, conditional for the prompt payment, whenever lawfully required, of all city money or parts thereof which may be deposited with them, which bonds shall be received at such times as the board of directors may require. (C. 10 Acts 1915.)

Indebtedness and Bonds.
(142) Sec. 158-a. The city of Fairmont, excepting cases where it has already authorized bonds to be issued shall not hereafter be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five per centum on the value of taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness; nor without, at the same time providing for the collection of a direct annual tax sufficient to pay annually or semi-annually, the interest on such debt and the principal thereof, within and not exceeding thirty-four years; and the city of Fairmont is hereby authorized and allowed, notwithstanding anything herein, or any other statute or act of the legislature to the contrary, to become indebted in an amount, including existing indebtedness, in the aggregate, not to exceed five per centum of the value of the taxable property therein ascertained as aforesaid, and to issue bonds therefor for the purpose of locating, grading, draining, paving and permanently improving the streets and alleys and public grounds, parks and playgrounds therein, and of constructing and repairing the bridges and retaining walls therein, and of sewerage of the city, and the term "sewerage" being used in its comprehensive sense so as to include mains, laterals, connections, traps, flue-vents and disposal plants, and other necessary system, and for the purpose of leasing, purchasing or erecting, owning, maintaining and operating a system of water works, gas plants, produce artificial gas, with distributing system; and electric power plants for the generation of electricity for electric current, fuel, heat and light with the necessary transmission systems, for the city and the inhabitants and industries thereof, and the inhabitants and industries of any territory adjacent to the territory of the city of Fairmont, which the board of directors may from time to time agree to supply from the city water works, gas plants or power plants as provided for in this or any other act of the legislature, and of building municipal halls, hospitals, libraries and other public buildings and of refunding outstanding bonds, and of funding existing and floating indebtedness of said city. (C. 21 Acts 1919.)

(143) Sec. 158-b. The board of directors shall have power to issue bonds of the city for one or more purposes authorized by this charter or by the laws of the state. Before issuing any such bonds, except the bonds mentioned in section one hundred and twelve of this act, the board of directors shall by ordinance submit all questions connected with the same to the vote of the people, and no such bonds shall be issued unless the proposition for their issuance shall receive three-fifths of all the votes cast for and against the same. Such ordinance shall state the purpose or purposes for which bonds are to be issued, and the amount to be appropriated to each such purpose. The ballot voted at such election shall be in the following form:

For the issuance of bonds under ordinance adopted..... 19.....
Against the issuance of bonds under ordinance adopted..... 19.....

Said ballot shall be voted or marked in the manner prescribed by law. Said ordinance shall specify the maturities of said bonds and the rate of interest thereon, not exceeding six per centum, per annum, payable annually or semi-annually, said bonds shall be made payable in not less than one year and within and not exceeding thirty-four years from the date of their issuance, and said ordinance shall provide for a direct annual tax, sufficient, with other revenue applicable thereto, to pay the interest and maturing principal of said bonds within and not exceeding thirty-four years. If any part of such bonds shall be issued to refund any outstanding bonds, the amount of such bonds to be issued to refund such outstanding bonds shall be stated in such ordinance. Notice of the submission of such proposition shall be given by a proclamation of the mayor, reciting and embodying said ordinance and appointing a day on which an election shall be held by the qualified voters of said city to vote for or against such proposition for the issuance of such bonds pursuant to said ordinance. Said proclamation shall be published in all daily newspapers in said city for at least one week for two successive weeks previous to the day of such election. No other publication of such ordinance shall be required. Such election shall be conducted, canvassed and the results ascertained in all respects according to the laws governing elections for county and district officers. If, upon the canvass of such election, it shall be found that three-fifths of all the votes cast for and against the said bond issue have been cast in favor of the issuance of said bonds, the mayor shall issue a proclamation determining such fact, which proclamation shall be published in all daily newspapers of said city. Such proclamation shall state the amount, date and maturities of such bonds and the purpose or purposes for which they are to be issued, that all questions connected with the same have been submitted to the qualified voters of the city, and that three-fifths of all the votes cast for and against the issuance of such bonds have been cast in favor of their issuance, that a direct annual tax sufficient to pay the interest and the maturing principal of such bonds has been duly authorized and that said bonds will be issued bearing the date named in said proclamation. After the publication aforesaid of any proclamation in the form above prescribed, and after the delivery of and payment for the said bonds therein specified, such proclamation shall constitute the final declaration and conclusive evidence of the facts so recited, and the validity of such election, or of the ordinance or other proceedings calling such election, or authorizing such bonds, shall not be called into question in any act or proceeding involving the validity of such bonds or of any tax to pay the interest thereon, and the principal thereof, anything herein or in any other statute, or act of the legislature to the contrary notwithstanding. Notice of the sale of such bonds shall be published at least once a week for two weeks prior thereto in a financial paper published in the city of New York, in the state of New York, in all daily newspapers published in said city, and in such other paper or papers as the board of directors may direct, and such bonds shall not be sold at less than their par value. (C. 21 Acts 1919.)

Terms of Office to End.
(144) Sec. 159. The term of office of the mayor, the board of affairs and the common council of said city of Fairmont shall cease and determine whenever the members, or a majority of the members, of the board of directors have been elected and qualified and entered upon the discharge of their official duties as provided in this act. (C. 21 Acts 1919.)

(145) Sec. 159-a. This act shall not be effective unless the same shall first be submitted to the voters of said city at a special election called for the purpose and adopted by a majority of votes cast at said election. Said election shall be held on the second Tuesday in June, one thousand nine hundred and nineteen, and this act shall be published in all daily newspapers published in said city once at least ten days preceding said special election. Said special election shall be conducted in the regular manner for regular municipal elections by the board of affairs then in office in said city; provided, however, that the commissioners of said election shall be appointed by the judge of the circuit court of Marion county. If this act is ratified or adopted at said special election it shall then go into effect.

The ballots to be voted at said election shall be printed upon plain, substantial white paper and shall be in the following form:

CITY OF FAIRMONT.
Charter Amendments Election.
Indicate by a cross (X) in the square how you desire to vote
[] For adoption of new charter amendments.
[] Against adoption of new charter amendments.

—(C. 21 Acts 1919.)
(146) Sec. 159-b. All other acts and parts of acts coming within the purview of this act and inconsistent with this act are hereby repealed. (C. 21 Acts 1919.)

ARTICLE II.
(147) Sec. 232. The act of one thousand nine hundred and thirteen, amending the city charter of the city of Fairmont and all other acts and parts of acts inconsistent with this act, are hereby repealed. (C. 10 Acts 1915.)
(The parenthetical serial numbering at the beginning of the sections, and the annotations to each section, prepared by the City Clerk for the purposes of showing the order of arrangement and indicating the changes made by the 1919 amendments to the 1915 charter, thereby giving the entire charter as amended.)

BOARD OF AFFAIRS OF THE CITY OF FAIRMONT.
ANTHONY BOWEN, Mayor.

Attest:—ALBERT J. KERN, City Clerk.